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Docket No.: M4065.0905/P905  
(PATENT)

UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Isao Takayanagi

Application No.: 10/624,509

Confirmation No.: 7407

Filed: July 23, 2003

Art Unit: 2622

For: ON-CHIP IMAGE PROCESSING

Examiner: N. T. Tran

**RESPONSE TO ELECTION OF SPECIES REQUIREMENT**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the election requirement set forth in the Office Action mailed February 7, 2007, in which the Office has suggested that there are four patentedly distinct inventions: Species I, the embodiment of figure 4, Species II, the embodiment of figures 5 and 6, Species III, the embodiment of figure 8 and Species IV the embodiment of figures 10 and 11, Applicant hereby provisionally elects Species 1 for continued examination, with traverse. At least claims 1-4, 6-11, 51-55, and 57-60 read on the elected species. Moreover, Applicant respectfully submits that the Patent Office has failed to satisfy its burden to require that the Applicant elect between the allegedly four species set out in the Office Action.

DSMDB-2214214v01

A requirement for restriction is permissible if there is a patentable difference between the species as claimed and there would be a serious burden on the examiner if restriction is not required. MPEP 808.01(a).

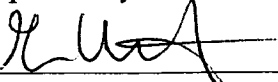
The Office has failed to show that even if the Applicant is claiming four distinct species, which the Applicant is not admitting there are, the Office has failed to carry its burden and show that examining these claims would be a serious burden on the examiner. For at least that reason, the Election of Species Requirement is improper and should be withdrawn.

Applicant's election is made without prejudice. As noted by the Examiner, upon the allowance of a generic claim, Applicant will be entitled to consideration of claims to not more than a reasonable number of species in addition to the elected species, provided that all claims to each additional species are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.146.

An action on the merits of all the claims and a Notice of Allowance thereof are respectfully requested.

Dated: March 9, 2007

Respectfully submitted,

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